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THUNDER PROPERTIES, INC.  
7

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

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11 BANK OF AMERICA, N.A., )

12 Plaintiff, )

13 vs. )

14 THE SIENA HOMEOWNER'S )  
ASSOCIATION; THUNDER PROPERTIES, )  
15 INC.; and HAMPTON & HAMPTON )  
COLLECTIONS, LLC, )

16 Defendants. )  
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Case No. 3:16-cv-00188-MMD-CBC

18 **STIPULATION TO DISMISS**

19 COMES NOW, Defendants, THUNDER PROPERTIES, INC. ("*Thunder*"); THE  
20 SIENA HOMEOWNERS ASSOCIATION ("*HOA*"); and HAMPTON & HAMPTON  
21 COLLECTIONS, LLC ("*Hampton*"), and Plaintiff, BANK OF AMERICA, N.A. ("*BANA*"), by  
22 and through their undersigned counsel, and hereby stipulate and agree as follows:

- 23 1. Thunder, HOA and BANA have entered into a confidential settlement agreement  
24 resolving this matter as between themselves. The settlement agreement has been  
25 fully executed by said parties and is presently being performed.
- 26 2. While the specific terms of the settlement agreement are confidential, it involves  
27 the payments of certain sums of money by HOA and Thunder to BANA in  
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exchange for a release of BANA's claimed security interest recorded against the real property at issue herein, as well as a mutual release of claims between said parties. In addition, BANA has irrevocably assigned to Thunder any and all rights that it may possess in the surplus funds ("*Surplus Funds*") generated by the homeowners association lien foreclosure sale at issue, which sums are currently held by Hampton.

3. The issue of the entitlement to the Surplus Funds was not addressed in this action and remains an outstanding issue that may require additional litigation involving individuals who are not parties to this action; specifically, the former owner of the real property at issue. The parties understand that Thunder claims that it is entitled to recover the Surplus Funds pursuant to its assignment from BANA. To the extent that an adjudication of the entitlement to the Surplus Funds may be required, it will be obtained in separate litigation.

4. All matters at issue in this action having been resolved between the parties other than as stated above, the instant action shall be dismissed with each party to bear its own fees and costs.

Dated this 18<sup>th</sup> day of November, 2020.

ROGER P. CROTEAU &  
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HAMPTON & HAMPTON  
COLLECTIONS, LLC

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The Siena Homeowner's Association***

IT IS SO ORDERED.

By: 

Judge, U.S. District Court

Dated: November 19, 2020

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of November, I served via the United States District Court CM/ECF electronic filing system, the foregoing **STIPULATION TO DISMISS** to the following parties:

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/s/ Timothy E. Rhoda  
An employee of ROGER P. CROTEAU &  
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